

UNITED STATES DISTRICT COURT

Northern

DISTRICT OF

New York

Derrick Wilson

JUDGMENT IN A CIVIL CASE

V.

**Nelson Aquino; Ralph Bowering; Michael
Emond; Brian Lendy**

Case Number: **5:01-cv-1597**

- x **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- x **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

that the Court grants plaintiff's motion for a directed verdict on the strip- search claim and finds that the strip-search was unlawful and further that

the jury finds no cause for action as to the claim of false arrest and excessive force and further that

the jury finds that the plaintiff suffered no injury as a result of the unlawful strip-search and therefore awards the plaintiff nominal damages of \$1.00 against each defendant and further that

the jury finds that the plaintiff is entitled to an award of punitive damages in the amount of \$5000.00 against defendants Nelson Aquino; Ralph Bowering and Michael Emond and an award of \$10000.00 against defendant Brian Lendy.

All of the above pursuant to an order of the Court on September 19, 2005 and a jury verdict rendered on September 20, 2005 before the Honorable Frederick J. Scullin, Jr.

NOW PURSUANT TO AN ORDER ISSUED February 24, 2006 THE JUDGMENT IS AMENDED AS FOLLOWS.

IT IS ORDERED that defendant's motion for judgment as a matter of law, pursuant to Rule 50 of the Federal Rules of Civil Procedure is Denied with respect to punitive damages and further it is

ORDERED that defendant's motion for a new trial, pursuant to Rule 59 of the Federal Rules of Civil Procedure is Denied with respect to punitive damages and with respect to the plaintiff's questioning of Defendant Lendy's suspension and further it is

ORDERED that defendant's motion to alter or amend the judgment as to the Court's determination as to the strip-search is Denied and further it is

ORDERED that plaintiff's motion for attorney fees and costs, pursuant to 42 U.S.C. § 1988 is Granted in the amount of \$30,609.00 and further it is

ORDERED that plaintiff's counsel file invoices related to hotel expenses within 30 days if reimbursement will be sought and further it is

ORDERED that plaintiff's motion for costs, pursuant to 28 U.S.C. § 1920 is Granted in the amount of \$1,947.67 and further it is

ORDERED that defendant's motion to stay enforcement of this judgment, pursuant to Rule 62 of the Federal Rules of Civil Procedure is Granted, provided that the defendants post a supersedeas bond with the Clerk of the Court in the amount of \$50,000.00 and that if so posted , provide written notice to the Court and further it is

ORDERED that such stay will become effective upon approval by the Court.

All of the above pursuant to an order issued on February 24, 2006 by the Hon. Frederick J. Scullin, Jr.

March 2, 2006

Date

Lawrence K. Baerman

Clerk

s/Barbara J. Woodford

Clerk

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Deputy